



PATENT
ATTORNEY DOCKET NO. 053933-5009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mitsuhiro TOGASHI

Application No.: 09/821,742

Filed: March 30, 2001

For: DEVICE FOR CORRECTING
TILT ABERRATION
IN AN OPTICAL PICKUP
AND METHOD THEREFOR

Confirmation No. 5457

Group Art Unit: 2655

Examiner: Gautam Patel

Mail Stop RCE

Mail Stop RCE

Commissioner for Patents

U.S. Patent and Trademark Office

2011 South Clark Place

Customer Window

Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

12/08/2004 JBALINAN 00000041 500310 09821742

01 FC:1801 790.00 DA
02 FC:1253 870.00 DA

1. Submission required under 37 C.F.R. § 1.114

- ☒ Previously submitted:
- ☒ Please consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on October 6, 2004 (any unentered amendment(s) referred to above will be entered).
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- ☐ Other: _____
- ☐ Enclosed:
- ☐ Preliminary Amendment Filed with RCE under 37 C.F.R. § 1.114
- ☐ Supplemental Reply
- ☐ Affidavit(s)/Declaration(s)
- ☐ Information Disclosure Statement
- ☐ Form 1449
- ☐ Other: _____

2. Miscellaneous

- ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required).
- ☐ Other: _____.

3. Fees Calculation

(a) RCE Fee required under 37 C.F.R. § 1.17(e)

☒ \$790.00

(b) Extension of Time

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below.

Total Months Requested	Fee for Extension	Fee for Small Entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 430.00	\$215.00
<input checked="" type="checkbox"/> three months	\$ 980.00	\$490.00

The extension of time fee for this request: **\$870.00** (representing \$980 for a three-month extension of time **minus** the fee of \$110 for a one-month extension of time paid with the Amendment filed October 6, 2004).
If an additional extension of time is required, please consider this a Petition therefor.

(c) Additional Claims

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	2	minus	4	0	x \$18 each =	+ \$0.00
Independent Claims (37 C.F.R. §1.16(b))	1	minus	1	0	x \$88 each =	+ \$0.00
[] First presentation of Multiple dependent claim(s)					\$300.00	+ \$0.00
SUB-TOTAL =						\$0.00
Reduction by ½ for filing by a small entity						- \$0.00
TOTAL FEE =						\$0.00

4

4. Fee Payment

- ☐ Enclosed is a check in the amount of \$_____.
- ☒ The Commissioner is hereby authorized to charge Deposit Account No. 50-0310 in the amount of **\$1660.00** (representing **\$790** for the RCE filing fee and **\$870** for the three-month extension of time).
- ☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Additional papers enclosed:

- ☐ Appointment of Associate Power of Attorney.
- ☐ Declaration of Biological Deposit.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: December 7, 2004

By:


Baldine Brunel Paul
Registration No. 54,369

Customer No. 09629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: (202) 739-3000

Facsimile: (202) 739-3001